

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CORTNEY JAMES STAHL,
Petitioner,

v.

RON HAYNES, Superintendent of the
Stafford Creek Corrections Center,
Respondent.

C20-486 TSZ

ORDER

THIS MATTER comes before the Court on petitioner Cortney James Stahl's (i) motion for reconsideration, docket no. 46, of the Order entered January 25, 2022, docket no. 44, which adopted the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, docket no. 26, and (ii) request for forms, docket no. 48, which the Court interprets as a motion for appointment of counsel and an extension of time to file a notice of appeal. The Court hereby ORDERS as follows:

(1) Petitioner's motion for reconsideration, docket no. 46, is DENIED. The motion for reconsideration raises two substantive grounds for relief that are not set forth in the petition under 28 U.S.C. § 2254 for a writ of habeas corpus, docket no. 4, and they are therefore not properly before the Court. The motion further requests that this matter

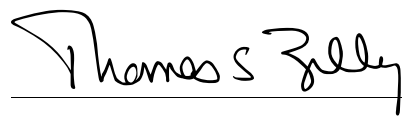
1 be referred or remanded to the “trial court,” which the Court construes as meaning the
2 King County Superior Court. Although a state appellate court could transfer a personal
3 restraint petition to a superior court for purposes of conducting an evidentiary hearing,
4 see Wash. R. App. Proc. 16.12, no procedure exists for a federal district court to refer or
5 remand a habeas petition to a state trial court. To the extent that petitioner’s motion for
6 reconsideration asks this Court to conduct an evidentiary hearing, such request is
7 DENIED.

8 (2) Petitioner’s motion for appointment of counsel, docket no. 48, is DENIED.
9 The Court has already declined to issue a certificate of appealability, and appointment of
10 counsel would be futile in the absence of a decision by the United States Court of
11 Appeals for the Ninth Circuit that permits petitioner to appeal. See Fed. R. App. P. 22(b).
12 Petitioner’s related request for an extension of time to file a notice of appeal, docket
13 no. 48, is, however, GRANTED, and the deadline for petitioner to file a notice of appeal
14 is EXTENDED to **March 28, 2022**, which reflects the maximum extension that the Court
15 is authorized to provide. See Fed. R. App. P. 4(a)(5)(C).

16 (3) The Clerk is DIRECTED to send a copy of this Order to all counsel of
17 record and to petitioner pro se.

18 IT IS SO ORDERED.

19 Dated this 17th day of February, 2022.

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22 Thomas S. Zilly
23 United States District Judge